

2, 5, 7, 9, 11, 15, and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over *Watanabe et al.* in view of *Freeman et al.* and *Matsumoto et al.* (USP 5,796,428).

Applicants respectfully traverse these rejections.

The Claims are Patentable over
the combination of Watanabe, Freeman & Matsumoto

With regard to the Examiner's rejection of claim 1 under 35 U.S.C. § 103(a), the Examiner admits that *Watanabe et al.* does not disclose the wireless communication device transmitting image data. In an attempt to make up for the deficiencies found in *Watanabe*, the Examiner asserts that *Freeman et al.* discloses a remote video transmission system wherein image data is transmitted wirelessly from a device (1), such as video camera, to a remote unit (2). Applicants respectfully disagree with this assertion.

In order to sustain a claim rejection under 35 U.S.C. § 103(a), it is respectfully submitted that the Examiner must meet his burden to establish a *prima facie* case. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants respectfully submit that *Freeman et al.* merely teaches a remote video system for digitizing and compressing an audio/visual signal and transmitting the signal

over low band width lines, and decompressing the digitized data and converting it to an audio/visual signal for broadcast. Specifically, *Freeman et al.* teaches at col. 4, lines 28-38 as follows:

A signal is input into remote unit 2 from any device having the capacity to output a video signal 1, such as a video camera, video cassette recorder/player, laser disc player, etc. The video signal received by the remote unit can be of any generally known format, such as NTSC, PAL, and Y/C video (or S video). The remote unit 2 is designed to be portable so that it can be transported and used in areas which are inaccessible or unsuited for a conventional desktop personal computer. It is understood, however, that remote unit 2 could be a desktop computer or have variations in its internal configuration.

In contrast, the present invention as set forth in claim 1 recites, *inter alia*, an electronic camera comprising a wireless communication device, which transmits image data.

For example, one essential feature of the present invention is that a wireless communication device for transmitting image data is used also for transmitting remote control signals. As such, an electronic camera of the present invention has a wireless communication device for transmitting image data and is characterized by using the wireless communication device when outputting operation signals (remote control signals) to an external device. In other words, the wireless communication device is used as a device for transmitting image data and also as a device for transmitting remote control signals.

In contrast to the present invention, *Watanabe* merely discloses transmitting image data through a video/audio line (see *Watanabe*, col. 10, lines 16-20). However, *Watanabe* fails to disclose using a remote-control signal transmitting part 3 when transmitting image data.

The Office Action asserts that *Freeman et al.* discloses "image data being transmitted wirelessly from a device (1), such as a video camera, to a remote unit (2). However, applicants have failed to find any such disclosure or suggestion in *Freeman et al.*. Therefore, applicants respectfully request that the Examiner provide specific citation of where such a teaching is found in *Freeman et al.*

Furthermore, even if *Freeman et al.* discloses the transmission of a video signal from the electronic camera to remote unit 2, there is no teaching or suggestion that the transmission is conducted wirelessly. Applicants respectfully submit that *Freeman et al.* fails to explicitly teach or suggest a method for inputting images to a remote unit (2) and that there is absolutely no teaching that the image data is transmitted from a video camera wirelessly. The Examiner admitted that *Watanabe et al.* does not teach this feature and thus fails to cure the deficiencies in the teachings of *Freeman et al.*, assuming there references are combinable which Applicants do not admit.

As such, applicants respectfully submit that the Examiner has failed to establish a prima facie case of obviousness by failing to provide references that teach or suggest all of the claimed elements as set forth in claim 1. Thus, claim 1, together with claims dependent thereon are not obvious over *Watanabe et al.* in view of *Freeman et al.*

It is respectfully submitted that independent claims 5, 9, 11, 12, and 17 contain elements similar to those discussed above with regard to claim 1, and thus, together with claims dependent thereon, are allowable for at least the reasons set forth above with regard to claim 1.

With regard to the Examiner's rejection of claim 2, the Examiner relies upon the explanation set forth with regard to claim 1 to teach the external apparatus comprising a

wireless communication device, which communicates with the electronic camera to receive image data. As noted above, both *Watanabe et al.* and *Freeman et al.* fail to teach this feature of the claim. Applicants also respectfully submit that *Matsumoto* fails to cure the deficiencies of the teachings of *Watanabe et al.* and *Freeman et al.* as *Matsumoto* also fails to teach a wireless communication device, which communicates with the electronic camera to receive image data, assuming these references are combinable which Applicants do not admit. As such, the Examiner has failed to establish a prima facie case of obviousness by failing to provide references that teach or suggest all of the claimed elements set forth in claim 2. Thus, claim 2, together with claims dependent thereon are not obvious over *Watanabe et al.* in view of *Freeman et al.* and *Matsumoto*.

It is respectfully submitted that independent claims 4 and 15 contain elements similar to those discussed above with regard to claim 2, and thus, together with claims dependent thereon, are allowable for at least the reasons set forth above with regard to claim 2.

CONCLUSION

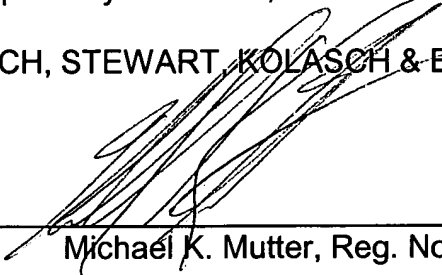
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin (Reg. No. 52,327) at the telephone number of (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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